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SENATE BILL 982 By
Crutchfield

HOUSE BILL 1455
By Brown

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29
and Title 4, Chapter 34, relative to the Tennessee
commission of Indian affairs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 34, Part 1, is amended by
deleting such Part in its entirety and by substituting instead Sections 2 through 12 as new Part

1.

SECTION 2.

(a) There is hereby created and established the Tennessee commission of Indian
affairs.

(b) The commission shall be attached to the department of environment and
conservation for administrative purposes only.

SECTION 3. The purposes of the commission are to:

(1) Deal fairly and effectively with Indian affairs;

(2) Bring local, state and federal resources into focus for the
implementation or continuation of meaningful programs for Indian citizens of the
state of Tennessee;

- (3) Provide aid and protection for Indians as needs are demonstrated;
- (4) Prevent undue hardships;
- (5) Assist Indian communities in social and economic development;
- (6) Promote recognition of, and the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to Native Americans; and
- (7) Communicate with Tennessee's Indian communities and solicit communications from such Indian communities.

SECTION 4. It is the duty of the commission to:

- (1) Study, consider, accumulate, compile, assemble and disseminate information on any aspect of Indian affairs;
- (2) Investigate relief needs of Indians of Tennessee and to provide technical assistance in the preparation of plans for the alleviation of such needs;
- (3) Confer with appropriate officials of local, state and federal governments and agencies of these governments, and with such congressional committees that may be concerned with Indian affairs;
- (4) Encourage and implement coordination of applicable resources to meet the needs of Indians in Tennessee;
- (5) Cooperate with and secure the assistance of the local, state and federal governments or any agencies thereof in formulating any such programs;
- (6) Coordinate such programs with any programs regarding Indian affairs adopted or planned by the federal government to the end that the commission secure the full benefit of such programs;
- (7) Review all proposed or pending state legislation and amendments to existing state legislation affecting Indians in Tennessee;

(8) Conduct public hearings on matters relating to Indian affairs and to subpoena any information or documents deemed necessary by the commission;

(9) Study the existing status of recognition of all Indian groups, tribes and communities presently existing in the state of Tennessee; and

(10) Establish appropriate procedures to provide for legal recognition by the state of presently unrecognized groups and to provide for official state recognition by the commission of such groups.

SECTION 5.

(a) The Tennessee commission of Indian affairs shall consist of seven (7) members as follows:

(1) One (1) member from each of the four (4) regions described in subsection (h); and

(2) One (1) member from each of the three (3) grand divisions of the state.

(b) The Tennessee Native American Convention shall prepare a list of four (4) nominees for each position as a member on the commission. Each list of nominees shall include biographical information on the nominees, tribal affiliation, if applicable, and a statement of each nominee's experience and involvement in Native American affairs.

(c) The Tennessee Native American Convention shall submit to the speaker of the house and the speaker of the senate a list of nominees pursuant to subsection (b) for each vacancy, including initial vacancies, on the commission. The speakers shall jointly appoint a member to the commission from each list of nominees.

(d) Members shall serve for three-year terms, except for the initial appointments. Three (3) of the members appointed initially shall serve for one (1) year; two (2) of the members appointed initially shall serve terms for two (2) years; and two (2) of the members appointed initially shall serve terms of three (3) years. Upon expiration of a

member's term such member shall continue to serve until a successor member is appointed.

(e) Any member appointed to fill a vacancy shall be appointed for the remainder of the term of the member causing the vacancy.

(f) The members of the commission shall elect a chair, a vice chair, and a secretary from its members. Officers shall serve terms of one (1) year.

(g) Commission members shall not receive per diem but shall be compensated for their actual travel expenses in accordance with the comprehensive state travel regulations as promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(h)

(1) Region 1 shall consist of the following counties:

Anderson; Blount; Campbell; Carter; Claiborne; Cocke; Grainger; Greene; Hamblen; Hancock; Hawkins; Jefferson; Johnson; Knox; Loudon; Monroe; Morgan; Roane; Scott; Sevier; Sullivan; Unicoi; Union; and Washington.

(2) Region 2 shall consist of the following counties:

Bledsoe; Bradley; Cannon; Clay; Coffee; Cumberland; Dekalb; Fentress; Franklin; Grundy; Hamilton; Jackson; McMinn; Marion; Meigs; Overton; Pickett; Polk; Putnam; Rhea; Sequatchie; Van Buren; Warren; and White.

(3) Region 3 shall consist of the following counties:

Bedford; Cheatham; Davidson; Dickson; Giles; Hickman; Houston; Humphreys; Lawrence; Lewis; Lincoln; Macon; Marshall; Maury; Montgomery; Moore; Perry; Robertson; Rutherford; Smith; Stewart; Sumner; Trousdale; Wayne; Williamson; and Wilson.

(4) Region 4 shall consist of the following counties:

Benton; Carroll; Chester; Crockett; Decatur; Dyer; Fayette; Gibson; Hardeman; Hardin; Haywood; Henderson; Henry; Lake; Lauderdale; Madison; McNairy; Obion; Shelby; Tipton; and Weakley.

SECTION 6.

(a) Commission meetings shall be held on Saturdays. The locations of commission meetings shall rotate among the cities of Memphis, Nashville, Chattanooga and Knoxville.

(b) Prior to a commission meeting, at least ten (10) days' notice shall be given in writing to all Native American organizations in Tennessee that have requested such notification. Notice shall be given by mail and by e-mail, if available. The commission shall also place notice of its meeting times and places on the website of the Tennessee commission of Indian affairs.

(c) The minutes of all commission meetings shall be placed on the website of the Tennessee commission of Indian affairs within thirty (30) days of their approval. Minutes of all prior commission meetings shall be accessible on the commission's website.

(d) Annual reports of the commission shall be placed on the website of the Tennessee commission of Indian affairs within forty-five (45) days of their approval. All prior annual reports shall be accessible on the commission's website.

(e) Four (4) commissioners shall constitute a quorum for the conducting of business of the commission.

(f) Agendas for commission meetings shall be delivered to each member of the commission at least one (1) week prior to the commission meeting.

(g) Minutes of all commission meetings shall be mailed to all commission members.

(h) Roberts' Rules of Order shall govern meetings of the commission when not in conflict with specific bylaws or other rules as may be adopted by the board.

(i) The term of any member who misses two (2) consecutive meetings of the commission without good cause may be terminated by a majority vote of the remaining members of the commission.

(j) Commission meetings shall include opportunities for public comments. Commission meetings shall not be adjourned until members of the public attending such meeting have had an opportunity to address the commission. Comments made by members of the public attending such meetings shall be entered into the minutes of the commission.

(k) The chair shall appoint three (3) members of the commission to establish a rules committee. The rules committee shall develop procedural and operating rules for the commission. The commission shall approve of all proposed rules by a majority vote before such rules take effect.

SECTION 7. No member or employee of the Tennessee commission on Indian affairs shall, in such person's capacity as a member or employee of the commission, enter into any litigation without the approval of the commission by a majority vote of the commission. Such approval shall be part of the minutes of the meeting in which such approval is granted. Nothing in this act shall prohibit a member or employee of the commission from entering into any litigation in such person's individual capacity.

SECTION 8.

(a) Fiscal records shall be kept by the commissioner of environment and conservation and will be subject to audit as authorized by § 8-4-109 or a certified public accountant.

(b) The audit report will become a part of the annual report and will be submitted in accordance with the regulations governing preparation and submission of the annual report.

SECTION 9.

(a) The commission may, subject to legislative or other funds that would accrue to the commission, employ an executive director to carry out the day-to-day responsibilities and business of the commission. The executive director is subject to dismissal by the commission for cause.

(b) The executive director, also subject to legislative or other funds that would accrue to the commission, may hire additional staff and consultants to assist in the discharge of the executive director's responsibilities, as determined by the commission.

(c) The executive director shall not be a member of the commission, and shall be of Indian descent.

SECTION 10. There is hereby created a Tennessee Native American convention. The convention shall select persons to be presented to the speaker of the senate and the speaker of the house as nominees to the commission. The convention shall also collate and prioritize the issues, goals and objectives of greatest significance to Native Americans in Tennessee.

SECTION 11.

(a) The convention shall be held biennially on the Saturday immediately preceding American Indian Day as set out in Section 15-2-106.

(b) The convention shall, whenever practicable, take place outdoors at a historical Native American site.

(c) The convention shall rotate between the three (3) grand divisions of the state.

(d) The convention shall select initially four (4) groups of four (4) nominees from each region as described in Section 5(h) of this act.

(e) The convention shall select initially three (3) groups of four (4) nominees from each grand division of the state.

(f) After initial nominees for the commission have been chosen, nominees shall be chosen as necessary for vacancies occurring on the commission.

SECTION 12. Delegates to the Tennessee Native American convention shall be elected at regional caucuses to be held in each of the four (4) most populous cities of the state. Regional caucuses shall be held not less than two (2) weeks before the convention. Each regional caucus shall nominate not less than ten (10) or no more than fifteen (15) candidates to the convention. Each caucus shall set the time and location of the subsequent caucus for such region. Members of the convention shall elect a chair, vice chair and secretary for such convention. Members of the convention shall not receive compensation for their service on the convention.

SECTION 13.

(a) Tennessee Code Annotated, Section 4-29-222(a), is amended by deleting item (9) in its entirety.

(b) Tennessee Code Annotated, Section 4-29-226(a), is amended by adding a new item thereto, as follows:

() Commission of Indian affairs, created by Section 4-34-101;

SECTION 14. Sections 10 through 12 of this act, inclusive, shall take effect upon becoming a law, the public welfare requiring it. All other sections of this act shall take effect January 1, 2002, the public welfare requiring it.